

Attorney Docket No. 915-013.004
Serial No. 10/775,545

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re Application of:

Tarmo HYTTINEN

Confirmation No. **6700**

U.S. Serial No.: **10/775,545**

Examiner: **Qing Yuan Wu**

Filed: **February 10, 2004**

Group Art Unit: **2194**

For: **DEVICE AND A METHOD FOR USING AN ENHANCED HIGH PRIORITY
CALENDAR EVENT**

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
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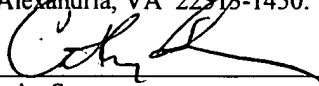
PRE-APPEAL BRIEF REQUEST FOR REVIEW

Sir:

In response to the final Office Action of December 30, 2009, please reconsider the rejections in view of the following remarks:

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



Cathy Sturmer

Dated: 3-9-10

REMARKS

Claims 1-21 were examined by the Office, and in the final Office Action of December 30, 2009 all claims are rejected. With this response, no claims are amended, added or cancelled. Applicant respectfully submits that the Office has committed clear error in rejecting the claims, because the Office has failed to show that the cited references disclose or suggest all of the limitations recited in the claims. Accordingly, applicant respectfully requests reconsideration and withdrawal of the rejections in view of the following discussion.

This response is submitted along with a Notice of Appeal.

Claim Rejections Under § 103

In section 4, on page 2 of the Office Action, claims 1-21 are rejected under 35 U.S.C. § 103(a) as unpatentable over Nishizawa (U.S. Appl. Publ. No. 2002/0004734) in view of Dean et al. (U.S. Patent No. 6,167,379), and in further view of Parker et al. (U.S. Patent No. 7,458,080). Applicant respectfully submits that claim 13 is not disclosed or suggested by the cited references, because the cited references fail to disclose or suggest all of the limitations recited in claim 13. The cited references, alone or in combination, at least fail to disclose or suggest receiving instructions for silencing alarms of the found one or more overlapping events by one command, and silencing the alarms of the one or more overlapping events, as recited in claim 13. For at least this reason, claim 13 is not disclosed or suggested by the cited references.

The Office acknowledges on page 6 that Nishizawa and Dean do not teach receiving instructions for silencing alarms of the found one or more overlapping events by one command and silencing the alarms of the found one or more overlapping events, and relies upon Parker for this teaching. However, Parker also fails to disclose or suggest this limitation of claim 13. Claim 13 specifically recites “receiving instructions for silencing alarms of the found one or more overlapping events by one command.” Therefore, as recited in claim 13, the silencing of alarms is specific to the found one or more overlapping events. This is in contrast to Parker, which uses notification profiles to handle the use of notifications in particular situations. However, the notification profiles are not specific to found one or more overlapping events. Instead, the system may incorporate an “off” profile which effectively turns all notifications off, or profiles may provide for certain notification types for only specific notification events. See Parker column 6, lines 57-62.

The teachings of Parker are incompatible with the teachings of Dean, and therefore there would be no motivation for one of skill in the art to combine the teachings of Parker and Dean. The Office acknowledges on page 3 of the Office Action that Nishizawa does not teach presenting the found one or more overlapping events, and relies upon Dean for this teaching. Dean states that the CPU causes the proposed scheduling date and the stored scheduling data to appear on the display at the same time to enable the user to determine if a scheduling conflict exists. See Dean column 6, lines 8-11. The Office asserts on page 9 of the Office Action that in Parker events that occur during which a “meeting” or “off” profile are set, are overlapped by the duration of the event in which the profile applies and are known to be overlapped, and therefore reminders for all of these events are silenced by the act of setting or choosing the profile manually or automatically. However, in contrast claim 13, the Office asserts that the instructions for silencing alarms is the result of selecting a profile, but overlapping events are not determined until the profile is selected. In claim 13, the instructions for silencing alarms are received in response to the presenting of the overlapping events.

The teachings of Parker and Dean are in conflict, because when the profile in Parker is selected either manually or automatically, there is no room for presenting of overlapping events. Instead, the profile is applied to all events during the time the profile is selected. See Parker column 9, lines 41-44 (any subsequent notifications are presented to the user according to the selected mode). Therefore, the teachings of Parker would make the teachings of Dean irrelevant, since there would be presentation of scheduling data to enable the user to determine if a scheduling conflict exists as discussed in Dean. For example, upon occurrence of a calendar-related event, Parker determines whether a predetermined notification mode has been set for the event. See Parker column 9, lines 25-27. If it is determined that a predetermined notification mode has been set for the calendar event, a selected mode is automatically applied to the computer device and any subsequent notifications are presented to the user according to the selected mode. See Parker column 9, lines 41-44. Upon the completion of the calendar event, the device is automatically switched back to the previous notification mode. See Parker column 9, lines 45-47. Therefore, the notification mode selected in Parker is dependent upon what type of calendar event is currently occurring, and the notification mode is applied to the entire computer device.

In contrast to the cited references, claim 13 recites presenting found one or more

overlapping events, and receiving instructions for silencing alarms of the found one or more overlapping events by one command. There is no motivation to combine the teachings of Parker and Dean, because the teachings of the references would be modified to render the references unsuitable for their intended purposes. For example, in Parker the profile is set either manually or automatically because it is desired the reminders are presented according to the conditions associated with the profile, the setting of the profile is completely independent from the overlapping events. In addition, in Dean it is desirable that the user determines whether a scheduling conflict exists, because the user is usually in a better position to determine whether a scheduling conflict exists. See Dean column 6, lines 22-24. If combined with the teachings of Parker, the user in Dean would never be presented with a scheduling conflict, since the profile set in Parker applies to all events in the computing device. Claim 13 recites that the alarms are silenced for the found one or more overlapping events, and the silencing is in response to finding one or more overlapping events. Therefore, in claim 13, the silencing is specific to the alarms for the one or more overlapping events, and is not applied to the entire computer device as in Parker. Accordingly, Parker fails to make up for the deficiencies in the teachings of Nishizawa and Dean identified by the Office, and the cited references fail to disclose or suggest all of the limitations recited in claim 13.

Independent claims 1 and 21 contain limitations similar to those recited in claim 13, and therefore are not disclosed or suggested by the cited references for at least the reasons discussed above with respect to claim 13.

The dependent claims rejected above all ultimately depend from an independent claim. Therefore the dependent claims are not disclosed or suggested by the cited references at least in view of their dependencies.

Conclusion

For at least the foregoing reasons, the present application is believed to be in condition for allowance, and such action is earnestly solicited. The undersigned hereby authorizes the Commissioner to charge Deposit Account No. 23-0442 for any fee deficiency required to submit this response.

Respectfully submitted,

Date: 9 March 2010



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